

COUNTY OF YORK

MEMORANDUM

DATE: May 5, 2005 (BOS Mtg. 5/17/05)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application Nos. ZM-93-05, York County Board of Supervisors:
Zoning Map Amendments

This application has been sponsored by the Board of Supervisors and includes two separate elements, as described in the following summaries:

- **Williamsburg / York County Boundary Line Adjustment:** In February 2003, the Circuit Court approved a voluntary agreement between the City of Williamsburg and York County to adjust the jurisdictional boundary line across several parcels in the Bypass Road, Richmond Road and Mooretown Road area. The purpose of this agreement was to eliminate several situations where the jurisdictional boundary bisected properties rather than following property lines. The effect of the annexation/de-annexation was that parts of several parcels formerly in the City were adjusted into York County, and vice-versa. However, those areas (in most cases, small slivers of property) have not been officially “zoned” in York County. The purpose of this proposed Zoning Map amendment is to classify these areas to match the existing York County zoning classification that applies to the remainder of the respective properties (GB-General Business). The Comprehensive Plan designates the subject properties for General Business use. The properties are identified on the maps and written descriptions attached to this memorandum.
- **Shiloh Baptist Church – Goosley Road/Route 17 Intersection:** The Trustees of Shiloh Baptist Church are considering expansions of the church facilities on the 3.3-acre parcel owned by the church at the intersection of Rt 17 and Goosley Road. However, as noted in the attached letter from Mr. Harry Washington, Church Trustee, the property is currently zoned RC-Resource Conservation, a classification that does not permit churches. As a result, the church is considered a *nonconforming use* and expansion is limited to no more than a 50% increase, if authorized by Special Exception approved by the Board of Supervisors. The 50% expansion limitation is a concern to the church and that has prompted their request for the property to be reclassified to RR-Rural Residential, a district in which churches are permitted as a matter-of-right (thus eliminating the nonconforming use issue).

Property surrounding the church parcel on the south side of Goosley Road is owned by the National Park Service and, consistent with the classification of all other NPS property, is zoned RC-Resource Conservation (see attached map). The property across Goosley Road from the church is the site of York Middle School and, consistent with the classification of all other County school properties, is also classified RC-Resource Conservation. In hindsight, it appears that the RC-Resource Conservation district classification was drawn with a “broad brush stroke” that did not recognize the restrictions that it would place on the church. To the best knowledge of staff, it is the only church-owned parcel zoned RC. The Comprehensive Plan designates the subject property for Conservation and either the RC or RR zoning classifications are considered consistent with that designation.

Planning Commission Recommendation

The Planning Commission considered this application at its meeting on April 13, 2005 and, subsequent to conducting a public hearing at which several representatives of Shiloh Baptist Church spoke, voted 5:0 to recommend approval of the application.

Recommendation

In the case of the properties involved in the jurisdictional boundary adjustment, approval will formally establish a zoning classification on the parts of the properties “adjusted” into the County. In the case of the Shiloh Baptist Church property, reclassification to RR-Rural Residential will correct what staff believes to have been a mapping oversight and will remove an impediment to the expansion of the church. The Planning Commission has recommended both zoning actions for approval by unanimous vote and both are consistent with the Comprehensive Plan. Therefore, I recommend approval of proposed Ordinance No. 05-12.

Carter/3337

Attachments:

- Excerpts, Planning Commission Meeting Minutes, April 13, 2005
- Richmond Road and Bypass Road vicinity zoning maps and property descriptions
- Goosley Road vicinity zoning map
- Letter from Shiloh Baptist Church dated December 9, 2004
- Proposed Ordinance No. 05-12